

SENATE BILL 401  
By Harper

AN ACT to enact the Environmental Justice Act of 1997.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the " Environmental Justice Act of 1997".

SECTION 2. The purpose of this act is to prevent minority communities from being subject to disproportionately high and adverse environmental effects. The general assembly takes notice of the presence of hazardous waste in racial and ethnic communities in residential areas, the treatment, storage and disposal of hazardous waste and the issue(s) of race. In accordance with Title VI of the Civil Rights Act of 1964, each state agency shall ensure that all programs or activities receiving federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods or practices that discriminate on the basis of race, color or national origin. This act is intended to supplement enforcement of Title VI of the Civil Rights Act of 1964, which requires consistent and effective implementation of nondiscriminatory practices in programs receiving federal financial assistance.

SECTION 3.

(a) To the greatest extent practicable and permitted by law, and consistent with the principles set forth in Title VI of the Civil Rights Act of 1964, each state agency shall make achieving environmental justice part of its mission by identifying and addressing,

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as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations in the state of Tennessee.

(b)

(1) Within three (3) months of the effective date of this act, the commissioner of the department of environment and conservation or the commissioner's designee shall convene an interagency state working group on environmental justice, hereinafter referred to as the ("working group"). The working group shall comprise the heads of the following executive agencies and offices, or their designees: (a) department of military; (b) department of health; (c) department of labor; (d) department of agriculture; (e) department of transportation; (g) department of commerce and insurance; (h) department of finance and administration; (i) department of mental health and mental retardation; (j) department of economic and community development; and such other government officials as the governor may designate. The working group shall report to the governor through the commissioner of the department of environment and conservation and the commissioner of the department of health.

(c) The working group shall:

(1) provide guidance to state agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each state agency as it develops an environmental justice strategy as required by Section 4, in order to ensure that the administration, interpretation

and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the department of environment and conservation, the department of health, the department of economic and community development, and other agencies conducting research or other activities;

(4) assist in coordinating data collection, required by this act;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings in accordance with T.C.A. Title 8, Chapter 44, Part 1; and

(7) develop interagency model projects on environmental justice that evidence cooperation among state agencies.

SECTION 4. (a) Each state agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) through (e) of this section, that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemaking related to human health or the environment that should be revised to, at a minimum:

(1) Promote enforcement of all health and environmental statutes in areas with minority populations;

(2) Ensure greater public participation;

(3) Improve research and data collection relating to the health of and environment of minority populations; and

(4) Identify differential patterns of consumption of natural resources among minority populations. In addition, the environmental justice strategy shall include, where

appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within four (4) months of the effective date of this act, each state agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the working group of the process.

(c) Within six (6) months of the effective date of this act, each state agency shall provide the working group with an outline of its proposed environmental justice strategy.

(d) Within ten (10) months of the effective date of this act, each state agency shall provide the working group with its proposed environmental justice strategy.

(e) Within twelve (12) months of the effective date of this act, each state agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the working group. During the twelve (12) month period from the date of this act, each state agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within twenty-four (24) months of the effective date of this act, each state agency shall report to the working group on its progress in implementing its agency-wide environmental justice strategy.

(g) State agencies shall provide additional periodic reports to the working group as requested by the working group.

(h) Within fourteen (14) months of the effective date of this act, the working group shall submit to the governor, through the commissioner of the department of environment and conservation and the commissioner of economic and community development, a report that describes the implementation of this act, and includes the final environmental justice strategies described in Section 4(e) of this act.

SECTION 5. Each state agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

SECTION 6.

(a)(1) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations and workers who may be exposed to substantial environmental hazards.

(2) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(3) State agencies shall provide minority populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

(b) To the extent permitted by existing law:

(1) Each state agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race or national origin. To the extent practicable and appropriate, state agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations;

(2) In connection with the development and implementation of agency strategies, each state agency, whenever practicable and appropriate, shall

collect, maintain and analyze information on the race, national origin, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial federal or state environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(3) Each state agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, and other readily accessible and appropriate information for areas surrounding state facilities that are:

(A) Subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. sections 11001-11050; and

(B) Expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(4) In carrying out the responsibilities in this section, each state agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among state agencies and with county and municipal governments.

SECTION 7. (a) The head of each state agency is responsible for ensuring compliance with this act. Each state agency shall conduct internal reviews and take such other steps necessary to monitor compliance with this act.

(b) Unless otherwise provided by law, state agencies shall assume the financial costs of complying with this act.

(c) State agencies shall implement this order consistent with, and to the extent permitted by, existing law.

(d) This act is intended to supplement enforcement of Title VI of the Civil Rights Act of 1964, which requires consistent and effective implementation of nondiscriminatory practices in programs receiving federal financial assistance.

Section 8. This act shall take effect on July 1, 1997, the public welfare requiring it.